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worked, and must forfeit the rest. To us the pound or two involved seems too insignificant to matter to either, but to most Albanians it was an important sum. In the event, for example, of the master's moving from one district to another, he might not dismiss the servant unless he gave him a full year's wages. If, however, he asked the servant to go with him and the servant refused, he must let him go but need give him no more than what he had so far earned. In the same spirit the law forbade the master to dismiss the servant for a frivolous reason, such as not liking him, and forbade the servant to run away for a frivolous reason, such as boredom. If the master disregarded this law, he must pay the servant a full year's wages, and if the servant disregarded it, he must be content with the wages he had earned to date. By exception, in Krasniqë, in north-east Albania, the master sought out his runaway servant, and after making him find a man to guarantee his future behaviour, brought him back to stay out his time.

If the master had good grounds for dismissing the servant, he must warn and forgive him twice. If the warnings went unheeded, the master said the elders must now judge between them. The servant then went and told his story to the chief elder—the bajraktar in tribal areas—who next asked the master what he had to say. Thus in possession of both sides of the story, the elders sat on the case and pronounced judgement; this turned generally on what money was to be paid to the servant.

If the servant were lazy, an all too common occurrence, or otherwise unsatisfactory, without being criminal, the Unwritten Law allowed his master to reprimand him reasonably and bade the servant swallow the reprimand. But the master must not use foul language or hit the man. For his motive might be to force him to leave before his time, apparently of his own volition, and so deprive himself of his full wages. If the master transgressed this law, the servant had leave to appeal to the elders, not only for payment of his wages in full, but also for compensation for the injury of being hit or violently abused.

The more serious crimes with which a servant might be charged included theft, murder and seducing a girl or young wife in his master's family. In the case of theft the issue depended largely on whether the servant stole from his master, in his master's village, or in another community. If he were caught red-handed robbing his master or subsequently admitted doing so, he was immediately

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721 623 685 Like tribes, villages sometimes met together to try to agree about matters of common interest. Villages often quarrelled over irrigation water, and a forest or pasture boundary. They quarrelled even oftener perhaps because the tracks of stolen animals led from one to the other; cattle-lifting and sheep-stealing were common. The most satisfactory way of dealing with troubles was for the two villages to meet in full assembly. After thrashing the matter out in public they generally reached a settlement, failing which they could only go to war. In the early years of the twentieth century cattle thieving was listed as one of the thirteen most important matters brought before General Assemblies in Martanesh. In 1942 it was still so active a disturber of the public peace that the pro-Fascist subprefect of Mat legislated for it among the questions which were the real occasion of his calling together the 5000 families of Mat.[1]

671 619 634 Law-giving was also an important function of General Assemblies. This activity came to an end with centralization and western legal codes, and its nature can be studied in the documents quoted by Father Gjeçov and reproduced as an appendix to this book, pp. 261 sqq. These documents show the variety of matters with which the law-giving of the Assembly was concerned. For instance, Document I, coming from Malësi e Madhe and dated 1864, is wholly devoted to such subjects as betrothal, bride-price, divorce and abduction or elopement. Document XI, which comes from Kurbin in 1906, is much occupied with stealing and with tightening up the social fabric by making attendance at General Assemblies imperative and the authority of elders supreme. With the proclamation of Albanian independence of Turkey only six years ahead, it contains an interesting political note; no Kurbin man is to become a gendarme in Turkish service or to give one food and shelter; and no Moslem of Kurbin is to curry favour with the Turkish authorities by denouncing a Christian fellow-tribesman. Document XIII, which comes from Mat in 1942, is also dated by its politics enjoining support of the Italian régime in Albania.

671 674 In the midst of the variety of subjects in the documents, crimes against life and property are continually appearing as the fundamental threats to the security of the community. A study of the documents shows them as reaffirming and modifying old and recognized laws, rather than formulating new ones. Assemblies

[1] See Appendix, Document XIII, § 4, p. 273.

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were called together to deal with specific problems and their findings emphasize aspects of the law relevant to these problems. The agenda of the assemblies therefore, reveal a good deal of social history. For example, in Document III from Kastrat dated 1891, six of its eleven provisions deal with the use of mills, fountains and springs. Document V, also from Kastrat dated 1892, restates what must have been established law about the constant threat of murder and theft, but it also includes provision for dealing with the owner of a dog entering a field or vineyard without a wooden collar, and the person who washes clothes at the place where the district gets its water.

In 1894 again Kastrat decrees penalties against the man who takes a woman to live with him without marrying her; against anyone tearing his face in mourning for the dead; against persons obstructing chiefs and fine-collectors in carrying out the tribal law.

The documents from Nikaj and Shalë also throw light on the social order to which they refer and its special problems at the time of their formulation. Document VII, dated 1894, is concerned mainly with safety from attack on the roads and the 'pledge of safety' for certain classes of people—mowers and reapers, shooters, women, etc. It was found necessary to reiterate many of the same provisions with the penalties attached to their breach in the following year in Document VIII.

A letter from Shalë to Theth, dated 1907 (XII), asks that the latter shall subscribe to a number of rules about murder and the position of the murderer laid down by Shalë, and after discussing this important subject, states that the rules are under the authority of the Youth.

Document XI (1906) is particularly interesting from an historical point of view, as it combines concern with the usual domestic issue of stealing with anxiety about the machinery of government, and reflects the opposition of the tribe to the Turkish sovereign. There are clauses about non-attendance at General Assemblies and about the use of elders to settle disputes. Heavy penalties are laid down for men joining the Turkish government police, complaining to the government about a Christian, or for anyone giving food or entry to his house to any policeman whether Christian or Mohammedan.

The most recent of the documents (XIII) is the so-called Covenant of Mat which appeared in the Albanian newspaper

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682 641 accusation of taking government money to kill the murderer after he had taken blood money from the family.

[167] The same fear of government action was at work in Kosovë, a province largely populated by Albanians but assigned to Yugoslavia after the Turkish empire broke up in 1912. A steady drift towards Albania proper went on among the Kosovars. Some were impelled by land hunger to go and take up the free land which the Albanian government had offered them; others came to evade Yugoslav justice. By contrast with the Albanian government, which did not yet punish severely homicide that was justifiable by tribal law, the Yugoslav government hanged most murderers. To avoid this ignominy, a Kosovar murderer preferred to emigrate, lock, stock and barrel, to Albania. Most interestingly, this emigration was the ebb of the tide that within recent centuries peopled Kosovë with Albanians.

[621] Sometimes a murderer did not run away of his own accord, but was forcibly expelled by the community. Although when murder was not punished by government, only the weak ran away voluntarily, the community expelled a strong man as readily as a weak [619] one. In tribal districts like Mirditë which contained several villages, the murderer's village could not expel him without the other villages' consent and help. If the village resisted the expulsion, the tribe as a whole had the right to 'proclaim' the village or to call in other tribes to bring it to reason. In small tribes like Nikaj the murderer's kinsmen could expel him independently of the tribe. In non-tribal districts like Shpat, where each village was a self-contained unit, it needed to ask no one before expelling a murderer.

682 *628 674 A man sentenced to communal expulsion was always one whose crime struck at the roots of society as understood in the mountains. Perhaps he had violated the acknowledged sanctity of the 'pledged word' by killing his enemy during a public truce or even after making peace with him. Perhaps he had infringed the sacred laws of hospitality by killing his host or guest. Perhaps he threatened family solidarity by killing a cousin to get his land. Perhaps he had killed a man to steal his rifle and thereby as good as robbed him of his manhood, for a man without a rifle is as nothing, no better than a woman. Perhaps he had committed sacrilege by killing someone, possibly the priest himself, inside the territory of church or mosque, or by breaking into the church to steal.

2:Edmonds T-3 (1926?) 1927 E13 Balkan Peoples
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To the Land of the Eagle

628 [577] from his own fireside, and he would rather face the gallows than the contempt of his family.

Even apart from the vendetta, the Albanian of this type is sometimes rather too ready to use his gun. Shortly before I was in Scutari a man was killed in a quarrel. It seems that the local schoolmaster had occasion to chastise one of the scholars. The boy's father was angry about it and called on the schoolmaster to remonstrate, taking a friend with him. In the ensuing dispute all lost their tempers and the friend unwisely "butted in." Whereupon the schoolmaster drew a revolver and shot the man dead.

674 681 The act which makes the carrying of firearms illegal is very necessary, and it is a pity that it cannot be enforced in this part of Albania as it has been elsewhere. But the inaccessibility of the mountain villages, and the lawlessness which makes the carrying of a weapon almost obligatory for self-protection, are at the moment insuperable difficulties. All that the gendarmes have been able to do so far is to insist that rifles shall be deposited at the police post outside Scutari before their owners enter the town. This explains what at first puzzled me—why the men in the streets of Scutari and in the Scutari bazaar were decorated with belts full of cartridges and yet no guns or rifles were in evidence.